

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**TELFORD BOROUGH AUTHORITY,**

**Plaintiff,**

**v.**

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, et al.,**

**Defendants.**

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**CIVIL ACTION NO.:**

**2:12-CV-6548**

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of November, **IT IS HEREBY ORDERED:**

- 1.)** Defendants' motion to dismiss, (Doc. No. 12), is **GRANTED IN PART** and **DENIED IN PART**.
- 2.)** The motion to dismiss Count I of the complaint will be **GRANTED**. Count I of the complaint will be **DISMISSED WITH PREJUDICE**.
- 3.)** The motion to dismiss Count IV of the complaint will be **DENIED WITHOUT PREJUDICE**. The court will **GRANT** the parties **LEAVE TO ENGAGE IN LIMITED DISCOVERY** on the issue of subject matter jurisdiction. Discovery on this matter shall be completed on or before **January 15, 2014**.

**BY THE COURT:**

/s/ C. Darnell Jones, II  
**C. DARNELL JONES II, J.**